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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: DANIEL J. HERENDEEN

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Wednesday, March 16, 2022

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Washington, D.C.

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The interview in the above matter was held via Zoom, commencing at 2:02 p.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], SENIOR ADMINISTRATIVE ASSISTANT

9 [REDACTED], INVESTIGATIVE COUNSEL

10 [REDACTED], CHIEF CLERK

11 [REDACTED], INVESTIGATIVE COUNSEL

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14 For DANIEL HERENDEEN:

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16 COLLEEN FITZHARRIS

1

2 [REDACTED]. Good afternoon. This is a transcribed interview of Daniel
3 Herendeen conducted by the House Select Committee to Investigate the January 6th
4 Attack on the United States Capitol pursuant to House Resolution 503.

5 At this time, I'd ask the witness to please state your full name and spell you last
6 name for the record.

7 Mr. Herendeen. It's Daniel J. Herendeen. Herendeen is H-e-r-e-n-d-e-e-n.

8 [REDACTED]. Thank you very much.

9 So this is a staff-led interview. I don't see any members on the call, but they may
10 hop in and choose to ask questions, if they do so.

11 Speaking is [REDACTED], investigative counsel. And with me in the room is
12 [REDACTED], also investigative counsel.

13 So, at this time, could counsel please state your name for the record?

14 Ms. Fitzharris. Yes. Colleen, Fitzharris. I'm a Federal community defender in
15 the Eastern District of Michigan.

16 [REDACTED]. Thank you very much.

17 There is an official reporter transcribing the record of this interview. Please wait
18 until each question is completed before you begin your response, and we will try to wait
19 until your response is complete before we ask our next question.

20 The stenographer cannot record nonverbal responses such as shaking your head,
21 so it is important that you answer each question with an audible verbal response. And if
22 I ever see, you know, you nodding yes or shaking no, I'll just mention it for the record and
23 we can confirm and move on.

24 We ask that you provide complete answers based on your best recollection. If
25 the question is not clear, which very much is possible, please ask for clarification. If you

1 do not know the answer, please simply say so.

2 And then I'm going to go through a couple of, like, important points. So, first, it's
3 important that you understand that this interview is voluntary. If at any time you would
4 like to stop speaking with us, that is your choice. Similarly, if at any point you need to
5 discuss something with your attorney in private, please let us know and we'll take a break
6 so you and Ms. Fitzharris can have that conversation.

7 Second, this interview is not under oath. But because this is a formal
8 congressional investigation, you are obligated under Federal law to tell the truth, the
9 same as if you were speaking with the FBI or the Department of Justice. It is unlawful to
10 deliberately provide false information to Congress. For this interview, providing false
11 information could result in criminal penalties for false statements. Do you understand?

12 Mr. Herendeen. Yes.

13 [REDACTED]. Thank you.

14 Third, you are not obligated to keep the fact of this interview and what we discuss
15 confidential. You are free to tell whomever you wish that you met with us, including the
16 prosecutor or the judge on your case, or you can tell no one at all. That is your decision.

17 Fourth, the select committee is separate and independent from the Department
18 of Justice. We have no involvement with the prosecutions. And DOJ is not a part of
19 the select committee in its investigation. The select committee also is not a party to
20 your criminal case and is not agreeing to submit anything on your behalf to the judge.
21 Nor can we make any representation whether, if you tell the judge you met with us, that
22 the judge will be more favorable to you during sentencing.

23 Fifth, we have agreed with Ms. Fitzharris not to share the substance of what you
24 say with the Department of Justice prior to your sentencing. But there are two possible
25 exceptions. If you told us about evidence of a crime that we thought law enforcement

1 was unaware of or if we had reason to believe you lied during this interview, then we
2 would be obligated to tell DOJ or another appropriate law enforcement agency about
3 that.

4 And if you tell the judge that you met with us, please understand that it may
5 prompt questions from the judge about what you said and whether it is consistent with
6 your prior statements and acceptance of responsibility. And if the judge starts asking
7 questions, we may get asked to respond and divulge what you said.

8 And just to note, logistically, if you need a break or you would like to discuss
9 something with Ms. Fitzharris, just let us know; happy to accommodate that.

10 And because [REDACTED] is also on this call, there might be times when both of
11 us ask questions at the same time, especially given the remote nature. So if that
12 happens, you know, just say you couldn't hear it, couldn't understand it, we'll stop, and I
13 will repeat the question.

14 Does that all make sense?

15 Mr. Herendeen. Yes.

16 [REDACTED]. Great.

17 EXAMINATION

18 BY [REDACTED]:

19 Q So we're going to jump into just a little bit of background to get started,

20 Mr. Herendeen. How old are you?

21 A Forty-four.

22 Q And where do you currently live?

23 A Chesterfield, Michigan.

24 Q How long have you lived there?

25 A Going on 4 years.

1 Q Great. What is your educational background?

2 A Some college.

3 Q Okay. What do you do for a living?

4 A Construction.

5 Q Okay. Do you have any other jobs from construction or is it just working on
6 jobs?

7 A Well, I do union construction and I have an epoxy floor business.

8 Q Oh, okay. So it's your own business?

9 A Yeah.

10 Q Great. All right. So leading up to January 6th just in general, and just to
11 give you a sense of, like, where we are in time, I'm thinking 2016, so like Trump's election
12 up until right before the November 2020 election. And this is sort of an open-ended
13 question but, like, how politically engaged were you during that time?

14 A I was engaged, not at first really. I mean, I was engaged the whole time
15 through Facebook basically. And it seemed like all the same people on Facebook were
16 engaged in the same thing around the same time.

17 Q So were you paying, like, close attention to politics, do you think?

18 A Never before till Trump ran. I didn't really care that much. And I don't
19 know what made me care that much, really. It's -- but yeah. So before he was elected,
20 I did go to hear him speak at Macomb Community College in Michigan [inaudible]. And
21 that was the first I went. I didn't go to any other rallies. I watched stuff on Facebook,
22 basically, is where I got it.

23 Q Right. But there was something about President Trump that made you
24 want to be -- to follow politics or to pay more attention?

25 A Yeah. Well, he said the right stuff. You know, he was going to shape up

1 the government, help middle-class Americans, you know. Basically, make it like he said,
2 Make America Great, and we bought into it.

3 Q Yeah. He had a message.

4 A Yeah.

5 Q And it was there.

6 Do you remember -- so you just mentioned Facebook. Was that where you were
7 getting most of your political news at the time or other --

8 A Yeah, yeah. I mean, I would get it from Facebook and then look stuff up on
9 the internet too. I wouldn't just go off Facebook. Yeah. But main source of it was
10 coming through my Facebook feeds, I would say.

11 Q And how did that work? Was it friends posting or like organizations, like
12 CNN would post something on Facebook and put it there?

13 A Well, both really. FOX, CNN, friends. Yeah. I mean, there were groups
14 that post. I wasn't really in any groups on Facebook, just -- yeah, just my news feed,
15 what came across that.

16 Q Okay.

17 A Basically, now that I look back at it, it was just -- I was getting one-sided
18 feeds the whole time, you know. So --

19 Q Understood. Were you watching, like, television news at all during that
20 time?

21 A Not that much, no.

22 Q And these questions are really just to get a sense of like, you know, how
23 people were consuming news at the time. So it's -- and not necessarily specific to you,
24 but -- I'm sorry. It is specific to you, but I don't want you to think like -- we ask these of
25 all people, so don't --

1 A Yeah.

2 Q So I'm going to go through like a list of social media applications. Just sort
3 of let me know if you use them for news.

4 You mentioned Facebook. So Facebook?

5 A Yes.

6 Q Parler?

7 A I got on. I didn't really use it. Didn't like the setup.

8 Q Great. Reddit?

9 A No.

10 Q Telegram?

11 A I might have set up an account but never used it. Actually, I don't think I
12 even set up an account. So I think when that started getting out, I was done with social
13 media.

14 Q Got it. Twitter?

15 A No.

16 Q Ever heard of something called GETTR, G-E-T-T-R?

17 A No.

18 Q Okay. How about thedonald.win?

19 A No.

20 Q And then in terms of like print, did you ever, like, read newspapers, like print
21 media?

22 A No. Not really, no.

23 Q Did you see, like, The Wall Street Journal a lot, New York Times?

24 A Well, like, yeah, online, but --

25 Q Online. Yeah.

1 A Yeah. Yeah.

2 Q How about --

3 A Washington Post, New York Times. Yeah. Seen all those.

4 Q How about like local newspapers, did that come across your Facebook feed?

5 A The Detroit News would come across and the Macomb Daily would come
6 across too. Yeah.

7 Q Great. Thank you. Did you follow President Trump on Facebook?

8 A Yeah. Yeah.

9 Q Do you really, like, remember his messaging a lot, like paying attention to it
10 closely before the election?

11 A I have -- yeah. I was paying attention.

12 Q Yeah. So then, I guess, right around -- or right after, I should say, the
13 November 2020 election, did you believe that the election was stolen from President
14 Trump?

15 A I did.

16 Q And so what made you believe that?

17 A Well, going back to that night, I was actually watching news channels and
18 paying close attention. And then, you know, go to bed and there is a huge lead, and
19 then wake up and it's gone. And all these coincidence happened at all these main cities
20 at the same time, water main breaks, postal deliveries all around the same time. They
21 just put stuff out there, make it -- I don't know if it's true or not, but it made it very
22 convincing that the election was stolen.

23 Q So do you remember where you were hearing those things?

24 A Facebook.

25 Q Okay.

1 A Different --

2 Q Was it --

3 A Outsource -- different people's putting different stuff out there. I don't -- I
4 couldn't tell you specifically where I heard from this.

5 Q No, no. That's fine.

6 Yeah. So let me try to -- you were paying attention on -- you were watching it on
7 the news, and you were watching it on Facebook --

8 A Yeah.

9 Q -- and people were talking about these things?

10 A Yes.

11 Q Okay. Was former President Trump talking about these issues too, and
12 were you paying attention to those?

13 A Yes.

14 Q So is it fair to say that you almost right away, I guess, like when you woke up
15 the next morning, that you believed that the election was stolen?

16 A Yes.

17 Q All right. And how did you feel about that?

18 A I felt like, you know, just from what was out before the election, that
19 everyone kind of knew it was going to get tampered with. They were putting it out
20 there before the election. And then how it went down, I felt like it was stolen. But
21 then I question, well, why wouldn't something be done about it? Just -- so yeah. So I
22 thought it was stolen when I woke up the next morning, basically.

23 Q I understand. Do you remember seeing posts about the possibility of the
24 election being stolen --

25 A Yeah.

1 Q -- before --

2 A Yeah.

3 Q And was that like a big topic on Facebook?

4 A Not only Facebook, but I go all over the country and work, and I work in a
5 union industry, you know, where you're supposed to vote Democratic -- Democrat --

6 Q You are supposed to vote how you feel.

7 A -- you know, the unions. And, you know, so I'm working with hard core
8 union members that all thought the same thing all over the country everywhere I went.
9 So it wasn't just me on my Facebook; it was people I'd meet out in the real world too.

10 Q All right. So having conversations with people who also had heard these
11 things, also had concerns about the elections, reinforced your views?

12 A Yes.

13 Q Did you ever have conversations with them about what they were listening
14 to, watching, reading?

15 A Well, yeah. Well, basically, some of the sites you mentioned, Telegram,
16 you know, Facebook, Twitter, you know. My one buddy gets all of his information from
17 Twitter. You know, it just depends on what platform they prefer to use, I guess.

18 Q And did you get the sense that -- sorry. In the time before the election
19 when you were talking to your friends or your colleagues, did you get the sense that they
20 were hearing this from President Trump, through social media, or from somewhere else?

21 A Probably President Trump and some other places too.

22 Q Great. Thank you.

23 So I'll jump back to after the election now. So after the election, did you
24 participate in any activities related to election fraud following the election? So like a
25 rally or something?

1 A Just January 6th.

2 Q Just January 6th. Okay.

3 Did you make any political donations to groups that were arguing about election
4 fraud or election integrity between the election and January 6th?

5 A No.

6 Q All right. Well, let's talk about -- we'll get to January 6th basically. What
7 made you want to go?

8 A Well, President asked us to come. And I had just worked from before
9 Thanksgiving till right before Christmas in Alabama every single day. And so I got back
10 and thought it'd be fun. I planned on, like, going and seeing the city and everything,
11 making a little trip out of it. I thought it would be a good time.

12 Q So you mentioned that the President asked you. Do you remember a
13 specific message that he said?

14 A Basically, he asked for us to come to D.C. Big things are going to happen.
15 And so yeah. So I went for that. And like I said, I planned on making a little trip out of
16 it, but it didn't happen.

17 Q Right. Do you remember a tweet from like December 19th where he asked
18 people to come and said it would be a wild protest?

19 A I don't remember it in that words, but asking people to come, that there'd
20 be a big unveiling.

21 Q Yes.

22 A Something along those lines. You know, you don't want to miss it,
23 basically.

24 Q Yeah. Do you remember like what date you decided to go to D.C.?

25 A No. Well, we didn't actually even -- even the day we were supposed to go,

1 I didn't talk to Bobby till later on in the morning. So I didn't even know the day we were
2 going to go if we were still going or not. But it was a couple of days probably before
3 Christmas I started asking buddies if they wanted to go.

4 Q Did you have a lot of friends who were going to go, besides Mr. Schornack?

5 A Well, we had our buddy Cliff who was the Tennessee sheriff, I knew he was
6 going, and we met him there. But I had -- my two best friends, they backed out at the
7 last minute, so that's why I went to Bobby.

8 Q All right. Did your best friends give you a reason why they backed out?

9 A No. No. Just busy lives. I just -- like I said, I had just worked. I had
10 time off and spending money in my pocket, so --

11 Q You needed a vacation?

12 A Yeah.

13 Q So you mentioned Bobby. Is that Bobby Schornack, just for the record?

14 A Yes.

15 Q And did you drive up with him or with him and Cliff or just with him?

16 A No. Me and Bobby drove to D.C. and met Cliff there.

17 Q Okay.

18 A I picked Bobby up from his house and drove us to D.C.

19 Q Do you remember what date that was?

20 A January 5th.

21 Q Okay. So in between the time that you decided to go and the time that you
22 left, so let's say like late December, January 5th, were you paying attention to social
23 media to learn about what would happen on January 6th?

24 A Yeah. Yeah. Was watching it and they said it's probably going to be hard
25 to get into D.C. with all the people. And blah, blah, blah. And places to stay would be

1 limited, and -- but, you know, people just kept promising big things. It was not only
2 Trump, but other people on social media.

3 Q Do you remember any of those -- who those people were? Were they
4 like -- sorry. Were they, you know, elected officials or were they just kind of people you
5 followed?

6 A Probably just people I followed. I wouldn't say elected officials. Maybe
7 like someone in Trump's camp or something like that would tweet something that would
8 make its way to Facebook, and --

9 Q Do you remember any specific, like, groups or organizations that were giving
10 information about January 6th?

11 A Like, Stop the Steal. There was a Stop the Steal group on Facebook, I think.
12 There was a few groups like that that just would come across my news feed even though I
13 wasn't in them, you know.

14 Q All right. So you were just sort of following what's going on and you had a
15 sense of what was happening.

16 Did you ever, like, post about January 6th and say, hey, we should all go, try to get
17 other people besides your close group of friends to go?

18 A I don't -- I don't think I posted anything just out there for the world, like, hey,
19 let's all go. I think I just said, hey, let's -- to my buddies, let's go. Let's make a trip out
20 of it. And communicated with them the next few days. So they said, no, can't go.
21 And then, basically, I said, Bobby, let's go.

22 Q Thank you. On Facebook or whatever, did you hear talk about buses,
23 caravans, stuff like that, traveling?

24 A We -- I did. We -- what I heard is they were going to bus in
25 counter-protesters by the busloads. And that was another thing we were seeing before,

1 that the counter-protesters are going to be attacking Trump supporters and people that
2 went for the rally, and -- so, I mean, people -- like, the friends that didn't go, they were
3 worried a little bit, wanted to make sure I was safe and protected.

4 Q So you were worried about violence?

5 A Yes.

6 Q Was there any reason besides these posts about the floods of
7 counter-protesters that you were worried about violence?

8 A Well, I mean, anytime you got that many people coming together, I mean,
9 there's always a worry of something happening, a bomb, whatever. You know, who
10 knows. But, yeah, I was a little nervous going. I was a little nervous being there even.
11 You know, you see snipers on the buildings and stuff, and scaffolding down by the Capitol,
12 and turn around there's people everywhere. And so, I mean -- it was -- it wasn't like the
13 greatest time being there. I mean, I was -- I enjoyed it, but I was nervous the whole time
14 too and --

15 Q So is it the -- back to the counter-protesters, what about them were you
16 worried about?

17 A Well, we'd see stuff like them attacking at other cities in marches or parades
18 or rallies or whatever. They -- I mean, they would come across on news feed and you'd
19 see old people with bloody noses and they would blame it on antifa or something. They
20 made it really seem like there was a good possibility that, like, be attacked by
21 counter-protesters.

22 Q Was antifa like a big topic on Facebook as well --

23 A Oh, yes.

24 Q -- in the time before?

25 A Yes.

1 Q So was that something that you'd see a lot of videos and you were -- you felt
2 was a threat to the country?

3 A Yes.

4 Q All right. And is that why you -- did you bring anything with you to prepare
5 for the violence?

6 A Yes. I brought --

7 Q What did --

8 A -- a can of bear spray, a bulletproof vest, goggles.

9 [Witness conferring with counsel.]

10 The Reporter. Is this off the record?

11 [REDACTED]. Do you two want a second?

12 Mr. Herendeen. No. No. I'm sorry.

13 Ms. Fitzharris. Can you give us a few seconds?

14 [REDACTED]. Yeah. We'll go off the record for a second, at 2:24 p.m.

15 [Discussion off the record.]

16 BY [REDACTED]:

17 Q I just asked how did you prepare.

18 A Okay.

19 Q Yeah.

20 A So it was bear spray, bulletproof vest --

21 [REDACTED]. I'm sorry. I just want to make sure we're on the record. Are
22 we back on the record?

23 The Reporter. We are on.

24 [REDACTED]. Okay. Thank you.

25 [REDACTED]. Thank you.

1 BY [REDACTED]:

2 Q Go ahead, Mr. Herendeen.

3 A Okay. Bear spray, bulletproof vest. I did buy knives along with the bear
4 spray, but I did not bring those. I made sure everything I bought was legal to have in the
5 State of D.C. -- or the District of D.C. I might have gloves, and first aid kit, water.

6 Q Okay.

7 A That's about it, I think.

8 Q Thank you. And just -- I'm going to back up a little bit in thinking about the
9 threat of antifa. Was there a lot of activity in Michigan about antifa or other protests
10 over the course of 2020?

11 A Not so much Michigan. I mean, there was a kind of storming of the
12 Michigan capitol, I guess it would be, but was it illegal? I guess they were allowed to be
13 in -- I don't know. But that's the only kind of thing I seen in Michigan was what
14 happened at the State capitol. Like Oregon, I think there was a march in D.C. where it
15 happened. I know someone was stabbed in Oregon. I mean, I really don't know,
16 because who knows what's real out there anymore. So --

17 Q You saw it? You saw it?

18 A Yeah. I saw it.

19 Q So in terms of Michigan, you mentioned the storming of the capitol. I take
20 it from your answer you weren't there?

21 A No.

22 Q Okay. Did you know anybody who went?

23 A No.

24 Q Okay. Do you know any, like, militia groups in Michigan?

25 A I mean, there -- everyone knows the Michigan militia, I mean. But, no, I

1 don't know anyone in it or involved in it, but everybody knows about them.

2 Q Okay. When you said everyone knows, you meant just like in general
3 everyone knows about them?

4 A Yeah.

5 Q Okay. Thank you. We'll head back to Washington, D.C. in the next
6 question.

7 Do you remember where you stayed in the area?

8 A It was probably 15 minutes from the Memorial. I don't -- I mean, I could
9 look at my credit card statement and find out the hotel. It was a decent, nice hotel.
10 It's where [inaudible] stage.

11 Q Okay.

12 A We didn't even have a reservation, that's how planned we were. We just
13 showed up and luckily got a room.

14 Q And that was in the District?

15 A Yes.

16 Q All right. Okay. So I think you mentioned a knife. Did you end up
17 bringing that to the hotel or did you leave that at home?

18 A No, I left it at home in Michigan.

19 Q All right. So what time did you arrive January 5th?

20 A It might have been actually January 6th by the time we arrived. It was late,
21 midnight on to somewhere around there.

22 Q And you didn't see any activities that had happened on January 5th then?

23 A No.

24 Q Yeah. Okay. So what time did you end up going to the Ellipse for the rally
25 on the morning of January 6th?

1 A Morning, 9:30, 10, 10:30, somewhere around there. I mean --

2 Q Were you there just to hear President Trump speak or were you excited to
3 hear anybody else?

4 A Well, I was excited because I was told, you know, we're going to tell you guys
5 this, tell you guys that, you know, big unveiling, unveiling. But, no, I mean, to be honest,
6 I was -- after he spoke, I was -- it was just the same thing he's been saying. There was
7 nothing new, so -- so, yeah, I was kind of disappointed in the speech actually. So there
8 was nothing new, nothing exciting.

9 Q Okay. So you were -- you went hoping to hear some -- were you hoping to
10 hear evidence about --

11 A Yeah.

12 Q -- the election --

13 A Yeah.

14 Q Okay. And you --

15 The Reporter. One at a time, please.

16 [REDACTED]. Sorry about that.

17 BY [REDACTED]:

18 Q So let me reask the question. Were you expecting to hear evidence about
19 the election being stolen from President Trump?

20 A Yes.

21 Q And were you -- when you listened to the speech, did you hear anything
22 new?

23 A No.

24 Q Can you tell me like what the mood in the crowd was at that time?

25 A I mean, patriotic I guess you'd call it. They were pretty calm. There was a

1 lot of chanting USA. The crowd was pretty calm. I mean, some -- I don't know, it was a
2 weird crowd. There was some people that looked like they were -- that sounded like
3 they were yelling "fuck Trump" in the background. Sorry for my language, but that's
4 what they were saying. And then there were these like Chinese nationals there trying to
5 get people to sign all this stuff. Then I seen a couple of Oath Keepers. You know, a
6 variety of people, you know.

7 Q All right. Did you engage with the Oath Keepers or anybody?

8 A No. I just stuck with basically Bobby, Cliff, and Cliff's friend that he
9 brought, the other sheriff. Basically stayed in the same area the whole time.

10 Q Did you talk to anybody else about your disappointment in President
11 Trump's speech while it was happening?

1

2 A Yeah. I'm pretty sure I talked to Bobby about it; like, this is the same
3 speech we've been listening to the last 2 months, 3 months, you know.

4 Q Yeah. Do you recall President Trump saying anything about Vice President
5 Pence?

6 A Yeah. He might have said it's up to Pence to stop it --

7 Q And what did you --

8 A -- and make it right.

9 Q What did you take President Trump to mean by that?

10 A That basically Pence was his last chance probably to turn the election over.

11 Q So when you went to this rally, were you hoping that it would help President
12 Trump continue to be President?

13 A Well, I don't know if that was the hope. I was more of -- curiosity. And
14 like I said, I wanted to have fun.

15 Q All right. It also sounds like you wanted to hear some more information
16 that he was choosing. So my direct question then would be, why were you at the rally?

17 A To hear President Trump unveil some information that I hadn't heard before
18 about the election being stolen.

19 Q And did you expect anything to happen after that reveal?

20 A Well, there's all types of stuff that was out on the internet. The QAnon
21 people thought that they were going to have a military tribune out in front there. And,
22 you know, I didn't know what the scaffolding was there for. I thought maybe they're
23 right. I don't know. And then there was all types of different theories that were out
24 there, but --

25 Q Did January 6th, the date, mean anything specific to you when you went?

1 A Not specific to me, no.

2 Q Okay. So were you aware that Congress was certifying the electoral count
3 that day?

4 A I was aware of that, yes.

5 Q And did you think that President Trump's reveal would in some way stop
6 that count?

7 A I didn't know if it would stop it or show proof that they should stop it. Like,
8 that's what I was -- I thought there was going to be some type of proof, evidence that it
9 was going to get put in there and things that happens, which --

10 Q So did you hope that, with the evidence, maybe Vice President Pence would
11 stop the electoral certification?

12 A Yeah. Well, I was hoping it'd get stopped. I didn't know really who would
13 stop it. I didn't know exact -- I don't know exactly how it goes. I was just hoping it'd
14 get stopped.

15 Q And was that like a message going on in the crowd, you know, like, we're
16 here to stop the certification or --

17 A Well, we were there to make our voices heard.

18 Q Right. Sorry. I used poor phrasing. Were people in the crowd sharing
19 your hope that there would be something that stopped the certification?

20 A Yes. I would say so, yes.

21 Q Okay. Do you remember -- did you listen to President Trump's whole
22 speech or did you leave early?

23 A I -- we listened to the whole speech. We started looking for a bathroom
24 and heading, like, maybe couple minutes before he was finally done, but we still listened
25 to the whole thing. We were still in earshot.

1 Q Did you hear him say, you know, like, we're going to be marching to the
2 Capitol and I'll be with you --

3 A Yes.

4 Q -- more or less?

5 A Yes.

6 Q Had you intended to go to the Capitol before you heard him say that?

7 A I -- like I said, I didn't really have a plan. I just went with the day.

8 Q So if you went with the day, when did you decide to go to the Capitol?

9 A Well, I -- when everyone else started heading down there, after Trump was
10 done speaking. We looked for a bathroom and started walking down Congress that way
11 as we were looking for a bathroom.

12 Q Okay. But you didn't go back to the hotel first?

13 A No. Yeah.

14 Q Why -- can I ask what then -- were you dressed in the sort of -- I don't know
15 how best to describe it without the picture, but the helmet and the vest. You had that
16 on?

17 A I just had a baseball hat on.

18 Q Baseball hat.

19 A I had the vest on all day underneath my coat. Yes.

20 Q Okay. And the vest was the bulletproof vest that you mentioned?

21 A Correct.

22 Q Were you expecting, when you were following everyone to the Capitol, that
23 you would need to use those or need to use those for protection in some way?

24 A I was worried that I'd have to. There was a lot of people walking. I
25 started to see snipers, you see this big crowd, you don't know. You hear pipe bombs

1 and stuff. So I had a hoping not to use it, need it.

2 Q Gotcha. And while you're walking, are you checking social media, like
3 Facebook, at all? Are you just going?

4 A No. We were pretty much going. The phones kind of stopped working.
5 You know, like being at a big sporting event or something, they just didn't work. They
6 worked when they wanted to or when you could get through.

7 Q Right. What was going on in the crowd as they were marching? Was it
8 the same as at the rally or had things changed?

9 A Kind of the same. I mean, you had your louder groups of people as you're
10 walking. I think some stopped in front of the FBI building maybe, I don't know, some
11 building, they were yelling at them or chanting at them. So, yeah, I just walked down
12 Congress. There was people chanting, people with flags, people with banners.
13 Nothing that I would think would escalate real quickly with the area I was walking down.

14 Q Did you hear anybody saying things, like, hang Mike Pence?

15 A I did hear that when I got, like, by the Capitol.

16 Q And as you're walking up to the Capitol, what do you see? Just give me a
17 quick --

18 A I'm seeing it's getting more crowded. Like I said, I walked down Congress.
19 I finally met people from Michigan. We just talked to people like, you know, normal,
20 just walking. And we get there, and there was -- there was these kids that were going
21 through the crowd antagonizing, saying, Pence screwed you. Pence screwed us. And
22 then I watched these kids go through and saying that to crowds as I'm walking up. And
23 then me and Bobby got separated, and that's when we got like to the Capitol steps, and
24 that's -- people were getting louder.

25 Q So --

1 A People were throwing stuff. I don't know what they were throwing it at,
2 because I couldn't see the top of the steps from where I was. Me and Bobby got
3 separated, so I was kind of looking around for Bobby.

4 Q Did you see police?

5 A I didn't see one cop from my walk from Congress, besides like on the side of
6 the streets. All the way up walking to the Capitol doors I didn't see one cop.

7 Q Did you see any tear gas, any fences down, any --

8 A I heard -- I heard tear gas. I didn't really see it. I didn't see any barricades
9 or fences, unless they were moved somewhere else by the time I got there. But it was
10 very easy for me to walk up to the Capitol.

11 Q So while you're doing this, is there a reason that you were walking up to the
12 Capitol?

13 A Well, we were trying to get close. We went there, as you know, like I said,
14 to make our voices heard, be loud and all. And then I got separated from Bobby, and
15 looked for Bobby basically at the foot of the steps for a while, and then walked up the
16 steps. I mean, he had a red hat on, I kept thinking I'd see him, so I walked this way,
17 walked that way. And then I was at the door of the Capitol.

18 Q And what was going on while you were at the door of the Capitol?

19 A Well, I was video recording, so I was just watching people walk in. I video
20 recorded the windows were broke, but the doors were wide open. People were just
21 walking right in like -- I don't know. People were just walking in. There wasn't anyone
22 stopping them, telling them not to come in or anything. I don't know if that all
23 happened right before I got to that point or -- I didn't see a police officer till I walked in,
24 turned right, and almost till I got to the Crypt is when I seen my first police officer.

25 Q Do you remember what time you walked in?

1 A 2:20.

2 Q 2:20? So it was pretty soon after the first people got in. I'll represent to
3 you that the first people got in around like 2:15 on the Senate side. Did you happen to
4 see that happen? Did you see the first people get in?

5 A No, I didn't.

6 Q But were you seeing people pushing cops or barriers at all on your way up?

7 A No.

8 Q No shouting?

9 A I mean, there was shouting. There were people throwing stuff, like I said.
10 But I didn't see any cops blocking people. But I couldn't see on the top. There were
11 people already up there. I couldn't see up there from where I was, so -- I went over on
12 the -- there was this little hill, I looked out for Bobby, then I went by the steps and started
13 making my way up the steps looking for him.

14 Q Was there anyone that you noticed encouraging people to go into the
15 Capitol?

16 A There were people encouraging. Yeah, there was chants of "push forward"
17 and stuff. But this was before I got to the Capitol. This is the big crowd at the bottom
18 of the steps, making different ways up the steps.

19 Q All right. So if you're hearing "push forward" and people encouraging, did
20 you get the sense that there was something that was trying to stop all these people from
21 getting up to the Capitol?

22 A Yeah. Well, I guess, but it's -- it's -- I didn't know if they were pushing each
23 other forward, but people were getting to the top and just walking. I could see them
24 walk by the wall up top; I just couldn't see the top of the stairs. Yeah. I didn't know
25 how close you could get to it really. I was looking for Bobby and, I don't know, it was

1 kind of like a car crash, you want to see it but you don't want to get in it. And I got in it.

2 Q So you did -- at the time, you thought it was kind of like a car crash, or is this
3 your thinking --

4 A Yeah. Well, no. Well, I'm thinking I want to get as close as I can, I want to
5 see what's going on. And I've got to find Bobby and this is the way Bobby was headed,
6 so that is the way I headed. And like I said, I didn't have a problem with the crowd. I
7 walked right up the steps. There was a group of -- like a line of people, just walked up
8 the steps, turned left, and when we got there, it opens up. And I actually took time,
9 opened my backpack up, put my coat in there, took some video, and then went by the
10 door and seen the glass broken, took video, looked in, and then I walked in. That was
11 my mistake right there is walking in.

12 Q What did you think when you saw the broken glass?

13 A I thought people were assholes. I have video of like me, when I'm in there,
14 saying don't break anything, you know. Yeah. I wasn't there to trash a building and
15 that stuff.

16 Q So why did you go in?

17 A It was kind of disappointing to see that.

18 Q Sorry I spoke over you. That was my fault.

19 Why did you go in then?

20 A I wanted to find Bobby, and then the curiosity, so -- if one person would
21 have said get out of here, I would have turned around and left.

22 Q At that point, did you think going into the Capitol was part of making your
23 voice heard about your concerns with the election?

24 A No. At that point, it was more find Bobby and get out of there.

25 Q And did you get a sense of what other people were feeling at the time?

1 A Yeah. There was some people that were aggressive and some people that,
2 you know, just probably wandered in there. Some people wanted to be in there and
3 some people probably just wandered in there with the crowds and no one stopped them.

4 Q How can you tell some people wanted to be in there?

5 A Because they were waving their flags around, putting -- you know, looking
6 for somewhere to go. I stayed along one wall and came back out the same way. So I
7 didn't get in there. I was just on the outskirts basically the whole time. And, you
8 know, there was people that wanted something to happen, you could tell for sure. And
9 then there's people that were just taking pictures and roaming around.

10 Q And did you get a sense of what they wanted to happen?

11 A The sense was they wanted to stop whatever was happening there, which,
12 you know -- I can't speak for them. I don't know what they wanted, but my sense is they
13 wanted to do something about what was going on.

14 Q Right. And was that reflected in what they were chanting?

15 A Besides I heard the "hang Pence" probably in there once or twice. And
16 then, you know, maybe like "find Nancy" or something like that. But for the most part,
17 it was just chanting USA, USA, and --

18 Q Would you still say at that time that the mood felt patriotic?

19 A Not to me, but, I mean -- yeah, I would say people thought they were being
20 patriotic in there.

21 Q All right. So did you find Bobby inside?

22 A No, I didn't.

23 Q Then when did you end up finding him?

24 A I ended up sneaking into one side, and then I turned around and took my
25 same route and exited out. Went back out on to Congress and my phone started

1 working again. And I got ahold of Cliff, met up with Cliff. Went back to the
2 hotel -- took an Uber back to the hotel. Got the car, came back to the Memorial. And
3 by that time, Bobby was able to get ahold of us and we picked him up at the Memorial.

4 Q Did you take any pictures while you were inside?

5 A I took videos, yes.

6 Q So I think, and you can correct me if I'm wrong, but I was looking at your
7 statement of facts that was filed with your case in the docket, and there might be a selfie
8 that you took in there with a friend in the Capitol. Is that true?

9 A No.

10 Ms. Fitzharris. I believe that was Mr. Schornack.

11 . That was Mr. Schornack's? Yeah. Okay. That's what I thought,
12 but I just wanted to confirm for the record. So thank you.

13 BY :

14 Q So can you -- you left the Capitol. Was there any specific reason that you
15 decided to leave?

16 A It was a right-handed search. I was a firefighter, so I stayed along the walls
17 with my right hand. I got to the end of it. I didn't find Bobby. I turned around,
18 followed the wall back with my left hand and out. And I wasn't going any deeper. I
19 didn't want to -- there was too many people. And I didn't find Bobby, and I wasn't going
20 to go through the whole place looking for him. So I turn around, I left on my own
21 accords. And the police, they made me climb out through a window, because I think
22 they were trying to get the doors shut so no more people would come in.

23 Q Okay. Do you have any sense of how long you were in there?

24 A Fifteen minutes, maybe.

25 Q Thank you very much.

1 These next questions might be easier for Ms. Fitzharris to answer, if you'd like.

2 It's just, what's the current status of the case?

3 Ms. Fitzharris. Mr. Herendeen pleaded guilty with a plea agreement to a class A
4 misdemeanor. His sentencing hearing is scheduled for April 1st.

5 ██████████. Okay. Thank you.

6 BY ██████████:

7 Q We're just going to close out with a few questions about, you know, sort of
8 reflecting on January 6th. So how you felt since then. Like, looking back on the day,
9 what do you think about January 6th, the day itself, now?

10 A I think it's a black mark on history.

11 Q Go ahead.

12 A I -- like I said, that -- something was going on in the tunnel, there was
13 fighting with the Capitol Police, that is just pure ridiculousness. And I wouldn't have
14 been any part of that. After that, I got off social media. I got out of politics. I -- I
15 don't really care anymore. It just -- it messed up my life and it wasn't worth it.

16 Q Is it -- do you feel at all betrayed by the politics?

17 A Yeah. I would -- I feel a little betrayed, a little abandoned, a little
18 frustrated.

19 Q Would you say you felt those feelings towards former President Trump?

20 A Him and the U.S. Government.

21 Q Which parts of the U.S. Government?

22 A The -- well, it has more to do with the court case. I just didn't understand
23 how I got charged with whatever I was charged with for what I did.

24 Q Okay.

25 A But, I mean, look, as I said, I've dealt with it now, and I just don't want

1 anything to do with it on either side.

2 Q Do you still think the election was stolen from former President Trump?

3 A I don't care.

4 Q You don't care, but -- so you just --

5 A I don't care.

6 Q Haven't given it a thought?

7 A No.

8 Q Okay. And you mentioned feeling a little betrayed by President Trump.
9 Have your feelings about him changed?

10 A Yeah. Like I said, I don't follow him. I don't care what he has to say. I
11 don't, you know -- I mean, I don't even know how I got involved in it in the first place,
12 but --

13 Q Yeah.

14 A But it was a ride I didn't like when I got off it.

15 Q As you said, it left sort of a black mark in your mind both about the day and
16 maybe it sounds like, and please tell me if I'm wrong, a black mark about politics in
17 general for you?

18 A Yes.

19 Q Okay. This is sort of a question we ask a lot of people. If you don't have
20 an answer, totally fine. But do you think there's anything that could have been done
21 differently to prevent a situation like January 6th from happening?

22 A More security. From when there was a million people in D.C. and you
23 know what they're there for, more security.

24 Q Okay. Well, thank you Mr. Herendeen. We've covered a bunch of topics
25 today. Is there anything else that you wanted to let us know before we --

1 A No. Sorry. No, just thank you guys. I hope that something gets figured
2 out for this so it don't happen again, but -- so that's why I'm here.

3 Q Well, we thank you. And like ██████████ said earlier before we were on
4 the record, we really appreciate you taking the time to talk to us today. It can
5 be -- we're looking for every perspective about January 6th, and sometimes it can be hard
6 to get perspectives like yours, so we really value you taking the time and giving us your
7 thoughts.

8 ██████████. ██████████, do you have anything?

9 ██████████. I just want to say thank you to Ms. Fitzharris as well for meeting
10 with me over the last couple weeks.

11 And, Mr. Herendeen, as ██████████ just said, thanks for coming in and sharing your
12 thoughts with us. It's better to hear it from you, you've been relying on violence, so we
13 are happy that you came in and spoke with us.

14 Mr. Herendeen. Thank you guys.

15 Ms. Fitzharris. Thank you both.

16 ██████████. Thank you. Have a good day.

17 ██████████. We'll go off the record.

18 [Whereupon, at 2:52 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date